

Regular Session, 2010

SENATE BILL NO. 345

BY SENATOR DONAHUE

FUNDS/FUNDING. Constitutional amendment to exempt public postsecondary education tuition amounts and mandatory fees from requirements for imposing a new or increasing an existing tax or fee. (2/3-CA13s1(A))

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A JOINT RESOLUTION

Proposing to add Article VII, Section 2.1(C) of the Constitution of Louisiana, relative to the constitutional requirements and procedures for the imposition or increase in a fee or civil fine; to provide exceptions relative to public postsecondary education tuition amounts and mandatory fees; to provide with respect to the cost of attendance at public institutions of postsecondary education; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 2.1(C) of the Constitution of Louisiana, to read as follows:

§2.1. Fees and Civil Fines; Limitation; **Exceptions**

Section 2.1.

\* \* \*

**(C) The provisions of Paragraph (A) of this Section shall not apply to the imposition of a new tuition amount or mandatory fee or to an increase in a tuition amount or mandatory fee by a public postsecondary education**

1           **management board.**

2           Section 2. Be it further resolved that this proposed amendment shall be submitted  
3 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
4 2010.

5           Section 3. Be it further resolved that on the official ballot to be used at said election  
6 there shall be printed a proposition, upon which the electors of the state shall be permitted  
7 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
8 read as follows:

9                   To provide that the requirement for enactment of a law by a two-thirds vote  
10                   of the legislature for the state to impose any new fee or increase in an  
11                   existing fee shall not apply to new or increases in tuition amounts or  
12                   mandatory fees imposed by a public postsecondary education management  
13                   board. (Adds Article VII, Section 2.1(C))

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Sherri H. Breaux.

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#### DIGEST

Present constitution provides that any new fee or civil fine or increase in an existing fee or civil fine imposed or assessed by the state or any board, department, or agency of the state shall require the enactment of a law by a 2/3 vote of the elected members of each house of the legislature.

Specifies that present constitution requirement does not apply to any department which is constitutionally created and headed by an officer who is elected by majority vote of the electorate of the state.

Proposed constitutional amendment retains present constitution and provides that present constitution requirement shall not apply to imposition of a new tuition amount or mandatory fee or the increase in a tuition amount or mandatory fee by a public postsecondary education management board.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Adds Const. Art. VII, §2.1(C))